



April 27, 2021

Tiffany Copp
City of Surprise

Re: City of Surprise
Draft Proposed Property Maintenance Ordinance

Dear Tiffany,

WeSERV Association of REALTORS (formerly WeMAR) appreciates the opportunity to provide comment on the draft proposed Property Maintenance Ordinance (PMO). Although we have made verbal inquiries and suggestions, we thought it would be helpful for us to provide our comments in writing as well.

WeSERV is happy to see the City is updating its PMO and that part of that update is the ability for residents, property owners, tenants and business owners to easily access the ordinance. WeSERV has long been concerned about the inability of residents, property owners, tenants and business owners to access and read the ordinance.

WeSERV encourages the City to review its definitions of blight and debris, particularly in the Surprise Heritage site and the rural Northwest Surprise areas. Sometimes vintage signs, buildings and exterior decorations try to evoke the feel of the old west or other eras utilizing the very traits outlined in the definition of blight.

In Northwest Surprise and other rural areas, working ranches and large lot owners may have outbuildings or fencing that have rust, is whitewashed, weathered wood or other elements as a part of operating and working in a rural environment. An example of such an item would be a property on open range land. The open range land fence is barbed wire and not able to be painted.



Frequently in the rural areas tarps, composting piles, repair of implements and vehicles, spare parts, etc. are visible due to the practical nature of living and working in these areas. We suggest the City reassess some of its PMO rules in light of a rural lifestyle.

WeSERV suggests the City consider a stand-alone section of the PMO dedicated to preservation of the rural lifestyle so that these residents and businesses are not unnecessarily cited.

Particularly because a large portion of the area will remain rural for the foreseeable future due to the Luke AFB building criteria.

On page 4, the definition of Owner is:

*Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or **sufficient proprietary interest** in the property.*

WeSERV is unsure what is meant by *sufficient proprietary interest* and would like clarification of this phrase and its meaning.

Page 7, item B: WeSERV has a concern regarding the phrase *plain view*. Is the meaning to be construed in the same manner as it would pertain to a sworn police officer? If the standard is the same as a sworn police officer, will the Code Official be appropriately trained?

Also in that section, WeSERV is concerned about the impetus for a Code Official to inspect those areas, interior and exterior, not apparent from the public street. In our conversation you indicated the visits would be a direct result of complaints by the subject property occupant or a neighbor. WeSERV suggests that clarification be made as part of the Authority and Enforcement section so that the complaint component is clear.

Page 8: In the Violation Notice section, item C concerns WeSERV as it explicitly states the City is not required to notice or inform the subject property owner or tenant prior to prosecution in court or accrual of fees.

Item D of this section further states one of the acceptable ways to notice someone is through publication in a newspaper of general circulation once. WeSERV is concerned this method is outdated and does not serve the purpose of noticing. Few people read the paper, but more importantly because the section does not specify the notice be published in a local paper, any newspaper will suffice, even one several hundred miles away.

WeSERV suggests the City reconsider this option and provide noticing by placing a notice on the door of the property, mailing it to the property owner, or other direct contact method. WeSERV suggests that since this is a government action resulting in misdemeanor charges, a property

owner or tenant should be personally informed before legal actions are taken that endanger a person's finances and may result in a criminal complaint.

Page 11 Abatement & Demolition: WeSERV is concerned that adequate time to correct the violation or sell a property is not adequate when a property is involved in bankruptcy, probate, foreclosure or other legal proceedings. WeSERV suggests the City consider additional time for properties found in these or other distressed situations.

In the event a property is scheduled for abatement by the City, WeSERV is curious as to the storage of personal property on behalf of the tenant. Will the City provide time for a displaced tenant to retrieve personal property?

As WeSERV read this proposed ordinance it seemed there were several items that may be already in code, but in a different section such as the building code or landscape code. WeSERV encourages the City to review building systems and exterior maintenance items for possible inclusion in other areas of the code and therefore unnecessary in this part of the code.

Many provisions of the proposed PMO appear to be in conflict with a rural lifestyle as is found in Northwest Surprise. The requirement of painted fences is impractical when the property fence is an open range fence.

In the more rural areas of Surprise ranches and rural property owners frequently use tarps or similar covering for wood piles, haystacks or other objects. These properties may have secondary structures as workspace, animal protection, or storage that are most likely disallowed by the proposed PMO.

Many activities of a rural lifestyle seem to be prohibited as the PMO is currently written. Activities such as composting, water harvesting, and visibility of vehicles necessary to run a large ranch or maintain a large lot are examples.

Page 17 Landscape Maintenance: As mentioned above it appears many of the provisions in this section already exist in the Landscape Ordinance. WeSERV suggests only one maintenance standard apply and that it remain within the landscape ordinance.

Item G on page 17 discusses maintenance of bodies of water. There may be times, particularly on distressed parcels, when no one is available to clean up or treat for insects. Maricopa County Vector Control is frequently able to treat bodies of water for insects.

Page 18 references the prohibition of vehicles parked on surfaces the City has not designated as dust-proof. Most of the non-subdivision homes, ranches and properties in Northwest Surprise are on dirt roads with farm and property maintenance vehicles usually parked on crushed granite or dirt as there are no paved areas.

WeSERV suggests with the numerous considerations needed in order to preserve a rural lifestyle, the City consider creating an additional section to the PMO directed at rural areas.

WeSERV hopes these comments are helpful. Thank you for the opportunity to participate in this discussion.

Sincerely,



Liz Recchia

Government Affairs Director
